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OUR FILE NUMBER:

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September 1, 2016

**VIA EMAIL AND
OVERNIGHT MAIL VIA FEDEX**

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

44 October 18, 2016



LORI GLASGOW
EXECUTIVE OFFICER

Lori Glasgow, Executive Officer
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, California 90012

**Re: Lawndale Elementary School District Request for Consolidation of Governing
Board Elections with Statewide General Elections**

Dear Ms. Glasgow:

Our firm is legal counsel for the Lawndale Elementary School District ("District"). This letter and the enclosed Resolution No. 6, 2016-2017 serve as the District's formal request to consolidate its Governing Board elections with the Los Angeles County ballot and the statewide general elections in November of even-numbered years, commencing in November of 2018 (the "Request").

The District currently conducts its elections during off-cycle (odd-numbered) election years. As you know, the California Voter Participation Rights Act ("CVPA"), Elections Code section 14050 *et seq.*, authorizes lawsuits against jurisdictions, including school districts, to combat low voter turnout. The CVPA provides that beginning in January 2018, a jurisdiction that holds its regular elections on a date other than June or November of even-numbered years can be sued to force a change of the jurisdiction's election date if turnout among eligible voters at one of its regular elections was at least 25 percent lower than the average turnout in that jurisdiction in the prior four statewide elections.

To determine its obligations under the CVPA, the District commissioned an analysis of its voter turnout history. The analysis indicated that the District experiences a significant decrease in voter turnout such that voter turnout at the District's regularly scheduled off-cycle elections are at least 25 percent less than the average voter turnout within the District for the previous four statewide general elections. Based on this historical evidence of low voter turnout during District Governing Board elections, the District's Governing Board has initiated the process of consolidating its elections with the statewide general elections by adopting the enclosed Resolution on August 16, 2016.

We understand that in September of 2015, the Los Angeles County Board of Supervisors changed its long-standing policy of denying consolidation requests. We were informed that since

Lori Glasgow, Executive Officer
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the change to Policy No. 3.170, only one entity has had its request for consolidation with the statewide general election denied, due to its adoption of a voting system that Los Angeles County was not physically prepared to implement.

As required by Elections Code section 10404.5(a), the District's Governing board has adopted its Resolution requesting consolidation and is submitting the Resolution to the Board of Supervisors more than 240 days prior to the date of the currently scheduled election for the District's Governing Board, which would have been November 7, 2017. Pursuant to section 10404.5(c) the District requests that the Board of Supervisors notify all school districts and the county board of education located in the County of the receipt of the Resolution to consolidate and request input from each district on the effect of consolidation.

Further, the District requests that the Board of Supervisors approve its request for consolidation within 60 days of submission unless it determines, pursuant to section 10404.5(d)(1), that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. If such a determination is made, the District requests that it be provided with the factual basis for this determination.

Finally, pursuant to section 10404.5(e), the District requests that within 30 days after the approval of the Resolution by the Board of Supervisors, the Los Angeles County Registrar/Recorder notify all registered voters of the District of the approval of the Resolution by the Board of Supervisors. The District accepts its obligation to pay for the cost of providing this notice by mail.

In light of the reasons stated above, the District respectfully requests that the Los Angeles County Board of Supervisors approve its Request to consolidate District Governing Board elections with the statewide general elections occurring in even-numbered years, commencing with the November 2018 election.

If you have any additional questions or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Warren S. Kinsler", written over a horizontal line.

Warren S. Kinsler

WSK/TMT:tas

cc: Ellen Dougherty, Superintendent, Lawndale Elementary School District via email
Alex Olvera, Division Manager, Election Information & Preparation via email

Enclosure: Lawndale Elementary School District Board Resolution No. 6, 2016-2017

**LAWNDALE ELEMENTARY SCHOOL DISTRICT
OF LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. 6, 2016-2017**

A Resolution by the Board of Trustees of the Lawndale Elementary School District (“Board”) for consolidation of future governing board member elections with the statewide general election pursuant to Elections Code section 1302(b).

RECITALS

WHEREAS, the current date for election of governing board members of the Lawndale Elementary School District (“District”) is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (*e.g.*, November 2017) [Ed. Code § 5000 and Elec. Code § 1302(a)]; and

WHEREAS, statewide elections are held in California only in June and November of even-numbered years (*e.g.*, November 2016) [Elec. Code § 1001]; and

WHEREAS, with the recent passage of the California Voter Participation Rights Act [Elec. Code § 14050, *et seq.*], the Legislature has indicated its interest in providing for the greatest possible voter participation in local elections, including school district governing board member elections; and

WHEREAS, voter turnout is generally greater for statewide elections than for special local elections including school district governing board member elections; and

WHEREAS, the Board desires to change the date of future governing board member elections to be consolidated with the California Statewide general election in order to provide greater voter input into governing board elections; and

WHEREAS, Elections Code section 1302(b) authorizes the District to change the election date for its governing board members by adopting a resolution for consolidation of election and seeking approval of the change by the Los Angeles County Board of Supervisors in accordance with Elections Code section 10404.5; and

WHEREAS, if the change in election date is approved, the November 2017 District election date will be moved to the first Tuesday after the first Monday in November 2018, with the terms of governing board members which would have expired in December 2017 being extended to December 2018 and the terms of governing board members which would have expired in December 2019 being extended to December 2020 [Elec. Code § 10404.5(g)].

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the District adopts this Resolution to consolidate the election date for members of the governing board with the date for the California general election in November in even numbered years [Elec. Code § 1001] pursuant to Elections Code section 1302(b).

BE IT FURTHER RESOLVED that the Superintendent is directed to submit this Resolution to the Los Angeles County Board of Supervisors explaining the rationale for the Resolution and


requesting formal approval of the change by the Los Angeles County Board of Supervisors at a public meeting within 60 days after submission and after the Resolution has been posted in public places.

BE IT FURTHER RESOLVED that if the request for consolidation of election is approved by the Los Angeles County Board of Supervisors, the District recognizes its obligation to pay the expense of mailing the notice of approval of the change in election date by the Los Angeles County Board of Supervisors as required by Elections Code 10404.5(e).

BE IT FURTHER RESOLVED that if the request for consolidation of election is approved by the Los Angeles County Board of Supervisors, the date of the next scheduled governing board election in November 2017 shall be moved to the first Tuesday after the first Monday in November 2018 and each subsequent board member election shall be held two years thereafter in November of even-numbered years in conjunction with the statewide general election.

BE IT FURTHER RESOLVED that if the request for consolidation of election is approved, the term of office of current governing board members expiring in December 2017 shall be extended to December 2018 and the term of governing board members expiring in December 2019 shall be extended to December 2020.

APPROVED AND ADOPTED by the Board of Trustees of the Lawndale Elementary School District of Los Angeles County, State of California, this 16th day of August 2016, by the following vote:

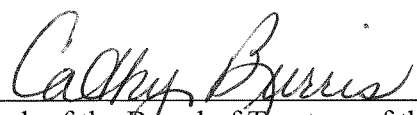


President, Board of Trustees
Lawndale Elementary School District

I, Cathy Burris, Clerk of the Board of Trustees of the Lawndale Elementary School District, do hereby certify that the foregoing Resolution was adopted by the Board of Trustees of said District at a meeting of said Board held on the 16th day of August, 2016 and that it was so adopted by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>

Dated: 8/16/16



Clerk of the Board of Trustees of the
Lawndale Elementary School District